IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.34 OF 2005

Re: L. Chadha & Sons. ..Debtors.

Ex parte:

SICOM Ltd. .. Petitioning Creditor.

...

Mr. Kishore Jain i/b Mr. P.V. Shah for the Petitioning Creditor.
Debtors absent though served.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

19th August, 2006.

P.C. :

The Insolvency Petition is based on a judgment and decree dated 29th August, 2003 obtained by the Petitioning Creditor in Miscellaneous Petition 58 of 200 (SICOM Ltd v. Lav Chadha & Ors) on the Original Side of this Court. The amount due is Rs.1,58,66,067/- with further interest from 16th February, 2004 as stipulated in the decree. An insolvency notice was issued on 27th April, 2004. A Motion was taken out by the Debtors to set aside the notice which was initially dismissed for non-prosecution. Thereafter a further Motion was taken out for setting aside the

earlier order. The said Motion was made absolute on 1st February, 2005. The Notice of Motion for setting aside the insolvency notice has been dismissed on merits on 15th February, 2005. Notice of Motion 2147 of 2004 in Misc. Petition 58 of 2001 has been dismissed on 8th September, 2005 by a Learned Single Judge. An appeal preferred was dismissed by a Division Bench on 22nd November, 2005. In the circumstances, the Petition has to be made absolute and is accordingly made absolute in terms of prayer clauses (a) and (b).